

32692
Customer Number

Patent
Case No.: 53766US010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: ZOLLER, PANU K.

Application No.: 10/817439

Confirmation No.: 2823

Filed: April 1, 2004

Title: ROLL STABILIZING RELEASE LINER

REQUEST FOR AFFIDAVIT
UNDER 37 CFR § 1.104(d)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
- ☒ transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.

10/24/08
Date

/K.J. Rostberg/
Signed by:

Dear Sir:

In the Advisory Action dated October 21, 2008, the Examiner relied upon personal knowledge. Applicants respectfully disagree with the Examiner's statements regarding the purported knowledge of one of ordinary skill in the art. Therefore, pursuant to 37 CFR § 1.104(d)(2), Applicants respectfully request an affidavit of the Examiner to complete the record and to provide the Applicants an opportunity to respond.

Applicants further request that the affidavit required under 37 CFR § 1.104(d)(2) specifically address at least the following points regarding the purported knowledge of one of ordinary skill in the art.

- (1) The Examiner's basis for asserting that the adhesiveness of any material can be improved by the addition of a tackifier.
- (2) The Examiner's basis for asserting that the level of adhesiveness can be controlled to provide a surface friction property.

In addition, Applicants request that the Examiner withdraw the finality of the pending rejection in view of the new rejections raised for the first time in the Advisory Action. Specifically, the Examiner now appears to believe that all materials are obvious as friction enhancing layers, based on the newly asserted position that the addition of a tackifier is all that is required.

Applicants note that these new arguments were not made in response to claim amendments. More importantly, for the first time, the Examiner is no longer relying on any teaching within the cited reference regarding friction enhancing layers, but rather the Examiner is relying solely on what is purported to be the knowledge of one of ordinary skill in the art regarding the effect of a tackifier.

It is believed that no fees are due. If any fees are due, please charge them to Deposit Account No. 13-3723.

Respectfully submitted,

October 24, 2008

Date

By: /Thomas M. Spielbauer/

Thomas M. Spielbauer, Reg. No.: 58,492

Telephone No.: 651-736-9814

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833